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Writer's Direct Dial: (213) 978-8100
Facsimile: (213) 978-8312

OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

APR 17 2005

April 22, 2005

Lucetta Dunn, Director
California Department of Housing and Community Development
1800 Third Street
P.O. Box 952050
Sacramento, CA 94252-2050

Re: Approval of CPVC (State Clearinghouse No. 2000091089)

Dear Ms. Dunn:

We are writing with regards to the March 3, 2005 proposal of the Department of Housing and Community Development ("HCD") to approve chlorinated polyvinyl chloride (CPVC) drinking water pipe for statewide use in all residential buildings. (State Clearinghouse No. 2000091089). We urge you to prepare an environmental impact report ("EIR") prior to proceeding with any approval of CPVC for drinking water pipe to analyze the environmental impacts of CPVC, to consider alternative pipe materials, and to consider feasible mitigation measures.

The San Francisco Department of the Environment recently published a detailed study on the environmental impacts of various plastic pipe materials. The study compared different pipe materials in terms of chemical hazards, recyclability and performance, with an emphasis on pollution prevention. The study concluded that CPVC plastic pipe should be avoided because it generates highly toxic chemicals throughout its lifecycle, from manufacture, to use, to disposal. The study noted that many of these toxic chemicals leach into drinking water, or escape into the air. The study also concluded that CPVC is very difficult to recycle, and therefore, adds to burdens on landfills. CPVC and PVC were the only pipe materials to receive the rating "avoid" in the study.




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HCD's proposal would require all cities and local jurisdictions to approve the use of CPVC in any home or other residential building in the state. The City would thus have no authority to review CPVC on a case-by-case basis, or to deny approval based on environmental or public health risks. We believe that before HCD takes such a major step, the agency should at least thoroughly study CPVC in an EIR, particularly in light of the substantial evidence of environmental impacts related to CPVC set forth in the San Francisco Department of the Environment study. An addendum to a 2000 Mitigated Negative Declaration for a much narrower CPVC approval, (allowing CPVC only in limited areas of the state with water or soil so corrosive that it would corrode metallic pipe), is simply not an adequate substitute for a full EIR.

The City relies on HCD and other state agencies to thoroughly review potentially hazardous building materials prior to approval. In fact, the California Court of Appeal recently held that CEQA review was required prior to the approval of another plastic pipe material (PEX). (*Plastic Pipe and Fittings Assoc. v. Calif. Building Standards Comm.* (2004) 124 Cal. App. 4th 1390). This City filed an amicus brief in that case supporting full environmental review. We believe it is equally important to conduct thorough environmental review through an EIR prior to the approval of CPVC for residential drinking water.

Thank you for considering our comments.

Sincerely,



TERREE BOWERS
Chief Deputy

RJD:JLB:gz/mrc:(#111769 ssche-03)

cc: Dave Walls, Manager, State Housing Law Program